

House Bill 226

March 6, 2007

Presented by M. Jeff Hagener  
Senate Fish and Game Committee

Mr. Chairman and committee members, for the record I am Jeff Hagener, Director of Montana Fish, Wildlife & Parks (FWP) and am appearing before you today to offer support for HB 226.

This bill is one of four moving through the Legislature this year that has been referred to as the "Poacher Package." These bills address specific issues that if passed, would greatly enhance FWP's ability to protect the fish, wildlife and Parks resources of the state.

HB 226 will provide specific legal basis identifying the transfer of a replacement license to another as a misdemeanor.

With the implementation of the Automated Licensing System, access by the public to FWP's various licenses and permits has grown substantially. The system has been a major boon for easy accessibility for a range of license, permits, and has made the licensing process substantially easier.

At the same time, FWP has seen that from 2002 to 2006, the number of replacement licenses have grown at a tremendous rate. Replacements historically have been available to assist a hunter who has legitimately lost or inadvertently destroyed a license, permit, or tag. However, the number of replacements has increased drastically over the last four years. For instance, the number of replacement for deer went from about 4500 in 2002 to over 8000 in the year 2006

FWP is seeing a number of cases and circumstances where multiple licenses, permits, and/or tags are obtained and used to facilitate the crimes of hunting without a license (87-2-103), illegal use of license, tag, or permit (87-2-110), and possession of unlawfully-taken game animals (87-2-111). Generally, the circumstances involve a person obtaining a replacement while still possessing or having used the original and then using the replacement to unlawfully take a second animal or, to make it available to another who is not licensed. The use and presentation of a tag on a game animal carcass is the method by which a person can attempt to transport and possess an unlawfully taken game animal, unless and until an investigation reveals the illegalities involved. Thus, the use of such tags plays a major part in enforcement's inability to initially detect (at game check stations, etc.) illegal taking of wildlife.

The additional wording of 87-2-104(2) that HB 226 proposes is necessary to address the improper activity of making fraudulently obtained replacements available to another person or persons. The statute currently addresses the application for, purchase of, and possession by someone who is obtaining more than one license, permit, or tag, including replacements. Another statute currently addresses the improper use of a license, permit, or tag. This bill would provide specific jury instructions in prosecution, particularly in cases of large scale, major wildlife crime. The activity of making replacement licenses available to another person is clearly as egregious and needs to be specifically prohibited.

In order to help stem unlawful use of replacement licenses and to deter the unlawful activities currently taking place FWP supports this bill. Thank you.

# Duplicate License Issue - by Year (ALS)

